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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
DETROIT DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

v.

Civil Action No. 2:13-cv-13535-BAF-LJM

JOHN DOE, subscriber assigned IP address  
76.112.97.202,

Defendant.

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**PLAINTIFF’S MOTION FOR LEAVE TO FILE ITS REQUEST FOR ENTRY OF  
CLERK’S DEFAULT PURSUANT TO FED.R.CIV.P 55(a)  
UNDER SEAL**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order to file its Motion for Entry of Clerk’s Default Pursuant to Fed.R.Civ.P 55(a) under seal, and states:

1. On August 21, 2013 this Court entered an Order [CM/ECF No. 5] granting Plaintiff leave to serve a third party subpoena on Defendant’s Internet Service Provider; however, the Order prohibits the Plaintiff from publically naming the John Doe Defendant.

2. On November 14, 2013, Plaintiff filed its Amended Complaint under seal [CM/ECF No. 8].

3. Defendant was served with Summons and the Amended Complaint on January 4, 2014.

4. More than twenty-one (21) days have elapsed since the Defendant was served in this action and the Defendant has failed to plead or otherwise defend this action.

5. Plaintiff respectfully requests that this Court allow Plaintiff to file its Motion for Entry of Clerk's Default under seal, so that the Defendant's identity is not made public.

6. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court allow the Plaintiff to file its Motion for Entry of Clerk's Default under seal. A proposed order is attached for the Court's convenience.

Dated: July 7, 2014

Respectfully submitted,

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti  
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Nicoletti Law, PLC  
33717 Woodward Avenue, Suite #433  
Birmingham, MI 48009  
Phone: 248-203-7800  
*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2014, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti

**CERTIFICATE OF COMPLIANCE**

Pursuant to MI R USDCTED LR 5.1(a), I hereby certify that the PLAINTIFF'S MOTION FOR LEAVE TO FILE REQUEST FOR ENTRY OF CLERK'S DEFAULT PURSUANT TO FED.R.CIV.P 55(a) UNDER SEAL has been prepared using one of the font and point selections approved by the Court in MI R USDCTED LR 5.1(a)(3). This document was prepared using Times New Roman (12 pt.).

This 7th day of July, 2014.

/s/ Paul J. Nicoletti  
Paul J. Nicoletti

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**(PROPOSED) ORDER**

THIS CAUSE came before the Court upon the Plaintiff's Motion for Leave to File Its Request for Entry of Clerk's Default under seal, and the Court being duly advised in the premises does hereby:

ORDER AND ADJUDGE: Plaintiff's Motion for Leave to File Its Request for Entry of Clerk's Default under seal is granted.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
**UNITED STATES MAGISTRATE JUDGE**